

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

and

CONTRICE TRAVIS,

Plaintiff-Intervenor,

V.

EXEL INC.,

Defendant.

CIVIL ACTION
FILE NO. 1:10-CV-03132-SCJ-ECS

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56, Fed.R.Civ.P., and L.R. 56.1, Defendant files its Motion for Summary Judgment. Defendant files the following documents in support of this motion:

1. Defendant's Statement of Undisputed Material Facts in Support of its Motion for Summary Judgment;
2. Memorandum in Support;

3. Exhibit 1, pages of the deposition transcript of David M. Harris, Sr. and Exhibits thereto cited in either (1) or (2) above;

4. Exhibit 2, pages of the deposition transcript of Marie A. Murphy and Exhibits thereto cited in either (1) or (2) above;

5. Exhibit 3, pages of the deposition transcript of Lisa B. Guydon and Exhibits thereto cited in either (1) or (2) above;

6. Exhibit 4, pages of the deposition transcript of Franklin K. Hudson and Exhibits thereto cited in either (1) or (2) above;

7. Exhibit 5, pages of the deposition transcript of Michel Pooler and Exhibits thereto cited in either (1) or (2) above;

8. Exhibit 6, Affidavit of David M. Harris, Sr.; and

9. Exhibit 7, Pooler's resume exchanged by the parties during discovery.

10. Exhibit 8, Original deposition transcript of Intervenor-Plaintiff Contrice Travis;

The Affidavit of David M. Harris, Sr. is cited as "Harris Aff." and witness testimony is cited as "witness name, Dep." throughout the Memorandum of Law in Support of its Motion for Summary Judgment and Statement of Undisputed Material in support of its Motion for Summary Judgment.

For the reasons set forth in the Memorandum in Support, the material facts are undisputed, and Plaintiffs cannot prove essential elements of their sex discrimination claim.

FONT CERTIFICATION

Pursuant to LR 7.1D, NDGa, the undersigned hereby certifies that this Motion, Statement of Undisputed Facts and Memorandum of Law were prepared using Times New Roman (14 point), as approved by LR 5.1B, NDGa.

This 28th day of October, 2011.

Respectfully submitted,

/s/David R. Kresser

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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of October, 2011, I electronically filed **DEFENDANT’S MOTION FOR SUMMARY JUDGMENT, DEFENDANT’S MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT, EXHIBITS, and DEFENDANT’S STATEMENT OF UNDISPUTED MATERIAL FACTS** with the Clerk of Court and the attorney of record using the CM/ECF system:

Ottrell L. Ferrell
Robert K. Dawkins
Sairalina Montesino
Steven A. Wagner
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This 28th day of October, 2011.

/s/ David R. Kresser
David R. Kresser